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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,666

02/27/2004

Walton Fong

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INTELLECTUAL PROPERTY LAW OFFICES
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EXAMINER

BUKOWCZYK, JEREMY

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,666

Applicant(s)

FONG ET AL.

Examiner

Jeremy Bukowczyk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>27 February 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 31 is objected to because of the following informalities: the preamble for claim 31 refers to claim 1. It is the opinion of the examiner that the preamble for claim 31 should refer to claim 14 and will be treated as such for the purpose of this office action. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kennewick et al. (US 2004/0193420 A1).

Kennewick discloses a travel assistant device (paragraph 18, line 9) comprising: a hard disk drive (paragraph 111, lines 4-5) including at least one database (paragraph 120, line 2); a digital camera (paragraph 97, line 2); a microphone (paragraph 121, line 2); a display screen (paragraph 97, line 2); at least one speaker (paragraph 121, line 6); database software by which images and sound input from said digital camera and said microphone are stored in said hard disk drive as a personal log database (110), which can be displayed on said display screen and through said speaker, where said personal

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log database may be updated by the additional commentary and images as desired, and where said database software retrieves downloaded database information which includes images, sound files and text (paragraph 120) which act as a travel instructor (paragraph 85); and a portable (paragraph 96, line 1) translator device (paragraph 85). Kennewick further discloses a touch-screen display (paragraph 97, line 2). Kennewick further discloses a display screen that displays graphics and video, which can include slides and Moving Pictures Expert Group (MPEG) movies, a file format for compression of digital video and audio data (paragraph 97, line 2). Kennewick further discloses at least one speaker plays sound files (paragraph 18, lines 15-17). Kennewick further discloses a Global Positioning System (GPS) module (paragraph 97, line 4). As per claims 13 and 31, Kennewick discloses a device that can locate a music file and play it, the files could include MP3 files, the file extension for MPEG Audio Layer-3, a set of standards for compressing and downloading audio files from the Internet (paragraph 18, lines 15-17).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennewick et al. (US 2004/0193420 A1) in view of Lee (US 2002/0165557 A1).

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Although Kennewick discloses all the claimed elements as mentioned in claim 6, Kennewick fails to disclose a GPS that allows downloads of interactive digital guide information and allows tracking of the user.

Lee in the same field of invention discloses a GPS that allows downloads of interactive digital guide information (paragraph 31, line 4) and allows tracking of the user (paragraph 31, line 1).

From this teaching of Lee, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the travel assistant of Kennewick to include a GPS that allows downloads of interactive digital guide information and allows tracking of the user of Lee, in order to allow a user to navigate using up to date maps in a given area.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennewick et al. (US 2004/0193420 A1) in view of Harrington (US 2003/0145338 A1).

Although Kennewick discloses all the claimed elements as mentioned in claim 1, Kennewick fails to disclose a producing HTML files and MPEG movies.

Harrington in the same field of invention discloses producing HTML files and MPEG movies, a file format for compression of digital video and audio data (paragraph 12, line 1).

From this teaching of Harrington, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the travel assistant of Kennewick to include producing HTML files and MPEG movies of Harrington, in order to update a personal website designed to share experiences.

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7. Claims 11-12, 14-23, 26-28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennewick et al. (US 2004/0193420 A1) in view of Dymetman et al. (US 2002/0020750 A1).

Although Kennewick discloses all the claimed elements as mentioned in claim 1, Kennewick fails to disclose an Optical Character Recognition engine, which takes input of graphic images of words from said digital camera in a language unfamiliar to the user and converts them to characters in said unfamiliar language; and a dictionary module which takes said characters generated by said Optical Character Recognition engine and produces translated files in a language familiar to the user, and outputs said translated files to said view screen and said at least one speaker.

Dymetman in the same field of invention discloses an Optical Character Recognition engine (paragraph 4, line 2), which takes input of graphic images of words from said digital camera (paragraph 5, line 2) in a language unfamiliar to the user and converts them to characters in said unfamiliar language (paragraph 288); and a dictionary module (paragraph 245) which takes said characters generated by said Optical Character Recognition engine and produces translated files (paragraph 288) in a language familiar to the user, and outputs said translated files to said view screen (paragraph 288, line 6) and said at least one speaker (paragraph 247, line 1).

From this teaching of Dymetman, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the travel assistant of Kennewick to including an Optical Character Recognition engine, which takes input of graphic images of words from said digital camera in a language unfamiliar to the user

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and converts them to characters in said unfamiliar language; and a dictionary module which takes said characters generated by said Optical Character Recognition engine and produces translated files in a language familiar to the user, and outputs said translated files to said view screen and said at least one speaker of Dymetman, in order to provide a translation tool to a user.

8. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennewick et al. (US 2004/0193420 A1) in view of Dymetman et al. (US 2002/0020750 A1) as applied to claim 23, and further in view of Harrington (US 2003/0145338 A1).

Although the Kennewick and Dymetman combination discloses all the claimed elements as mentioned in claim 23, the combination fails to disclose a producing HTML files and MPEG movies.

Harrington in the same field of invention discloses producing HTML files and MPEG movies, a file format for compression of digital video and audio data (paragraph 12, line 1).

From this teaching of Harrington, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the travel assistant of Kennewick in view of Dymetman to include producing HTML files and MPEG movies of Harrington, in order to update a personal website designed to share experiences.

9. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennewick et al. (US 2004/0193420 A1) in view of Dymetman et al. (US

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2002/0020750 A1) as applied to claim 28, and further in view of Lee (US 2002/0165667 A1).

Although the Kennewick and Dymetman combination discloses all the claimed elements as mentioned in claim 28, the combination fails to disclose a GPS that allows downloads of interactive digital guide information and allows tracking of the user.

Lee in the same field of invention discloses a GPS that allows downloads of interactive digital guide information (paragraph 31, line 4) and allows tracking of the user (paragraph 31, line 1).

From this teaching of Lee, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the travel assistant of Kennewick in view of Dymetman to include a GPS that allows downloads of interactive digital guide information and allows tracking of the user of Lee, in order to allow a user to navigate using up to date maps in a given area.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Bukowczyk whose telephone number is 571-270-3022. The examiner can normally be reached on Mon-Thu 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jb

 5/10/07
LYNDA JASMIN
SUPERVISORY PATENT EXAMINER